IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

F.A.O. No. 5481 of 2006

DATE OF DECISION : 17.04.2007

Sumit Aggarwal

.... APPELLANT

Versus

Balmati

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. G.S. Jaswal, Advocate,
for the appellant.

Appellant Sumit Aggarwal, who is owner as well as driver of the offending motor cycle, has filed this appeal against the award dated 1.8.2006, passed by Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as `the Tribunal'), whereby an amount of Rs. 27,000/- has been awarded as compensation to the respondent on account of suffering fractures of both bones in her right leg, in the road side vehicular accident.

I have heard counsel for the appellant and perused the impugned award.

At the time of the accident, the respondent was going on foot on the pavement. The appellant, who was driving the motor cycle, hit the respondent and caused him injuries. Before the Tribunal, the factum of accident was admitted. However, it was disputed that the said accident had taken place due to rash and negligent driving of the appellant.

The Tribunal, on the basis of the evidence led by the parties, came to the conclusion that the accident took place due to rash and negligent driving of the appellant. It was observed that in the accident, the respondent sustained fracture of both bones of her right leg and she

remained admitted as indoor patient from 23.11.2004 to 10.12.2004 and was operated on 6.12.2004 for inserting a steel rod in her leg. Thus, after taking into consideration the nature of injures, the period of her hospitalization and the pecuniary and un-pecuniary loss suffered by the respondent, an amount of Rs. 27,000/- was awarded.

The appellant has challenged the findings recorded by the Tribunal on the issue of negligence. However, counsel for the appellant could not point out any illegality, irregularity or perversity in the said finding. In the facts and circumstances of the case, the amount of Rs.27,000/- awarded as compensation cannot be said to be excessive or unjust. I do not find any ground to interfere in the impugned award.

Dismissed.

April 17, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**